

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1           Page 222, between lines 11 and 12, begin a new paragraph and
- 2           insert:
- 3           "SECTION 170. IC 36-9-27-20.5 IS ADDED TO THE INDIANA
- 4           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5           [EFFECTIVE JULY 1, 2002]: **Sec. 20.5. (a) A municipal or sanitary**
- 6           **district drain maintenance fund is established for each drain that**
- 7           **is:**
- 8               (1) **subject to assessments by the board for periodic**
- 9               **maintenance and repair; and**
- 10              (2) **transferred by the board to a municipality or sanitary**
- 11              **district;**
- 12           **under section 20 of this chapter.**
- 13           (b) **On or after the date the board transfers jurisdiction of the**
- 14           **drain to the municipality or sanitary district, the county treasurer**
- 15           **shall transfer the following to the municipal or sanitary district**
- 16           **drain maintenance fund established under this section:**
- 17               (1) **The balance of the maintenance fund established under**
- 18               **section 44 of this chapter.**
- 19               (2) **Except as provided in subsection (c), any assessments for**
- 20               **periodic maintenance of the drain that:**
- 21                   (A) **were imposed before the date the board transfers**
- 22                   **jurisdiction of the drain; and**
- 23                   (B) **are collected after the date the board transfers**
- 24                   **jurisdiction of the drain.**
- 25           (c) **If maintenance work for a drain was paid from the general**
- 26           **drain improvement fund under section 45 of this chapter, the**
- 27           **county treasurer shall transfer all or a part of the assessment**
- 28           **described in subsection (b)(2) to the general drain improvement**

1 fund to reimburse the fund for all or part of the cost of the  
2 maintenance work.

3 (d) The expenses of the municipal or sanitary district drain  
4 maintenance fund shall be paid from the fund. The municipality or  
5 sanitary district shall deposit money in a maintenance fund in  
6 accordance with IC 5-13-6. Any interest earned by the fund shall  
7 be credited to the fund. Any balance remaining in the municipal or  
8 sanitary district drain maintenance fund at the end of a fiscal year  
9 shall be carried over in the fund for the following fiscal year.

10 (e) A municipal or sanitary district drain maintenance fund  
11 established under this section is subject to the use of the  
12 municipality or the sanitary district for the necessary or proper  
13 repair, maintenance, study, or evaluation of the particular drain or  
14 combination of drains, whenever the municipality or sanitary  
15 district finds that it is necessary. Except as provided in subsection  
16 (f), the payment for all the maintenance work for a drain or  
17 combination of drains shall be made out of the municipal or  
18 sanitary district drain maintenance fund of the drain or  
19 combination of drains.

20 (f) If the balance of a maintenance fund is not sufficient to pay  
21 for the maintenance work, the municipality or sanitary district  
22 shall pay for any deficiency from the funds used by the  
23 municipality or the sanitary district to pay for maintenance work  
24 on drains that are not subject to a municipal or sanitary district  
25 maintenance fund. A drain maintenance fund shall close upon  
26 payment of all money in the fund.

27 (g) If the amount of funds on deposit in a municipal or sanitary  
28 district drain maintenance fund is less than five hundred dollars  
29 (\$500), the balance of the municipal or sanitary district drain  
30 maintenance fund may be transferred to the fund used by the  
31 municipality or the sanitary district to pay for maintenance work  
32 on drains that are not subject to a municipal or sanitary district  
33 maintenance fund, and the drain maintenance fund shall be closed.

34 SECTION 171. IC 36-9-27-20.6 IS ADDED TO THE INDIANA  
35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2002]: Sec. 20.6. If a drain is transferred by  
37 the board to a municipality or sanitary district under section 20 of  
38 this chapter, the municipality or sanitary district has the same  
39 right-of-entry and right-of-way powers over and upon private land  
40 that is given the county surveyor or drainage board under section  
41 33 of this chapter."

42 Renumber all SECTIONS consecutively.

43 (Reference is to EHB 1001(ss) as printed June 13, 2002.)

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Senator ALEXA